

REMARKS

The Applicants have carefully reviewed the official action dated January 27, 2009. By way of this response, the Applicants have amended claims 1, 13, and 22. No new matter has been added. In view of the following remarks, the Applicants respectfully traverse the rejections and submit that all pending claims are in condition for allowance. Favorable reconsideration is respectfully requested.

I. Independent Claim 1

In the official action, independent claim 1 was rejected under 35 U.S.C. § 103(a) as unpatentable over Strauss et al. (US 6,272,126) in view of Valencia (US 6,487,598). The Applicants respectfully submit that independent claim 1 is allowable over Strauss et al. and Valencia. Independent claim 1 recites, among other things, connecting a telephone to an interface of a home gateway system, wherein the home gateway system is located at a subscriber household, detecting an input of a destination telephone number, and establishing a connection with an internet service provider via the home gateway system. Strauss et al. do not teach or suggest a home gateway system located at a subscriber household. *Office Action dated January 27, 2009*, p. 3, ¶ 1. The official action relies on Valencia to show a home gateway system and contends that one of ordinary skill in the art would have combined Strauss et al. and Valencia to create the claimed method of claim 1. *Id.* It appears that the Examiner is suggesting incorporating a server A (100) of Strauss et al. into a gateway (20) of Valencia. However, such a combination would destroy the principle of operation of Strauss et al. and would be contrary to the business model of Strauss et al.

The Applicants respectfully submit that one of ordinary skill in the art would not have combined Strauss et al. and Valencia to create the claimed method of claim 1. Strauss et al. describe that a telephone terminal X (120) is connected to a central office (102), which is in turn connected to a server A (100). *Strauss et al.*, 7:46-8:56 and FIG. 1. Thus, in Strauss et

al., the telephone terminal X (120) requires the connection to the central office (102) to connect to the server A (100). Although Valencia describes a home gateway (20) (see Valencia, FIG. 1), Valencia does not teach or suggest connecting a telephone to an interface of the home gateway as recited in claim 1 nor that the home gateway (20) even has an interface capable of connecting to a telephone.

The server A (100) of Strauss et al. is able to connect to the telephone terminal X (120), because the server A (100) is connected via the central office (102). Modifying Strauss et al. by incorporating the server A (100) of Strauss et al. into the home gateway (20) of Valencia would destroy the principle of operation of Strauss et al. That is, because the home gateway (20) of Valencia does not allow connecting a telephone to it, the suggested combination of Strauss et al. and Valencia would not allow telephone calls to be made as is the principle of invention of Strauss et al.

Strauss et al. describe the business model of providing low-cost long distance service. Strauss et al., 7:46-53. The suggested combination of Strauss et al. and Valencia would be contrary to the business model of Strauss et al. That is, the Strauss et al. system allows serving multiple customers due to its connection configuration to the central office (102) without being dedicated to any single customer premises. However, incorporating the server A (100) of Strauss et al. into the home gateway (20) of Valencia would not allow serving multiple customers. Accordingly, the Applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine Strauss et al. and Valencia because it would be contrary to the business model of Strauss et al.

In view of the foregoing, the Applicants respectfully submit that one of ordinary skill in the art would not have been motivated at the time of the invention to modify Strauss et al. in view of Valencia as suggested in the official action to arrive at the method of claim 1.

Accordingly, the Applicants respectfully submit that claim 1 and all claims dependent thereon are in condition for allowance.

II. Independent Claim 13

In the official action, independent claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over Clarke, Jr. et al. (US 6,021,419) in view of Robin et al. (US 6,137,877). The Applicants respectfully submit that independent claim 13 is allowable over Clarke, Jr. et al. and Robin et al. Independent claim 13 recites, among other things, a home gateway system for installation at a subscriber site and configured to be communicatively coupled to a plurality of telephones in the subscriber site.

As discussed in the Applicants' previous response filed on January 12, 2009, Clarke, Jr. et al. do not teach or suggest a home gateway system for installation at a subscriber site as recited in claim 13. Instead, Clarke, Jr. et al. describe a satellite uplink facility (115) that sends data to a satellite receiver (161) at a home via a satellite (130). See Clarke, Jr. et al., 1:25-60 and FIG. 1. Thus, Clarke, Jr. et al. describe a satellite uplink facility (115) that is not at a subscriber site, but instead show that it is remotely located from a subscriber site (i.e., the home containing the satellite receiver (161)) such that it needs to use a satellite (130) to communicate data to a subscriber site.

As shown in FIG. 1 of Clarke, Jr. et al., the satellite uplink facility (115) is connected to a satellite dish (129) that broadcasts data to a satellite (130), which broadcasts the data back to Earth. See Id., FIG. 1 and 1:32-50. A satellite dish (164) at a home receives data broadcast from the satellite (130) and sends the data to the satellite receiver (161). See Id., FIG. 1 and 1:56-58. Therefore, while Clarke, Jr. et al. describe that the satellite receiver (161) is at a home, the satellite uplink facility (115) is not at the home, but is instead remotely located from the home. In contrast, claim 13 recites a home gateway system for installation at a subscriber site. There is no evidence of record that shows what portions of the Clarke, Jr. et

al. system constitutes a home gateway system for installation at a subscriber site comprising each and every element recited in claim 13. The official action merely contains a citation to a portion of Clarke, Jr. et al. without further explanation.

In addition, the Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to modify Clarke, Jr. et al. in view of Robin et al. In particular, while Robin et al. describe a connector (12) to attach a unit to a telephone (10) (see Robin et al., FIG. 1 and 4:6 and 7), such a connector would have no use in the satellite uplink facility (115) of Clarke, Jr. et al. because the satellite uplink facility (115) is used to broadcast data (see Clarke, Jr. et al., 1:44-50), but it is not used to make telephone calls.

In view of the foregoing, the Applicants respectfully submit that the suggested combination of Clarke, Jr. et al. and Robin et al. do not render claim 13 *prima facie* obvious. Accordingly, the Applicants respectfully submit that independent claim 13 and all claims dependent thereon are in condition for allowance.

III. Independent Claim 21

Independent claim 21 was indicated as allowed and, thus, is not further discussed herein.

IV. Conclusion

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance and requests reconsideration of this application and an early favorable action on the merits. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is hereby authorized to refund any overpayment and charge any deficiency in the amount paid in connection with this paper or any additional fees which may

be required during the pendency of this application under 37 CFR 1.16 or 1.17 to Deposit
Account No. 50-2455.

In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary
to maintain the pendency of this case and is not otherwise requested in this case, the
Applicants request that the Commissioner consider this paper to be a petition for an
appropriate extension of time and hereby authorize the Commissioner to charge the fee as set
forth in 37 CFR 1.17(a) corresponding to the needed extension of time to the above deposit
account.

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